UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1219
11 August 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1219th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 August 1997, at 10 a.m.

Chairman: Mr. BANTON
later: Mr. GARVALOV

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GE.97-17699 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Eleventh to fourteenth periodic reports of the Philippines (continued) (CERD/C/299/Add.12; HRI/CORE/1/Add.37)

1. At the invitation of the Chairman, the Philippine delegation resumed its place at the Committee table.

2. Ms. BAUTISTA (Philippines), replying to the issues raised at the previous meeting, said that the report (CERD/C/299/Add.12) reiterated the enumeration of laws contained in the previous report out of a concern to explain what was being done to implement the Convention. The Government would, however, follow the Committee's wishes in that regard. The annexes contained a list of various programmes undertaken to implement the Convention following an assessment of the needs of the indigenous cultural communities (ICCs). Regarding the validity of Presidential Decree No. 1350-A, which had been passed during the Marcos regime, under martial law, the President had both legislative and executive powers; presidential decrees were similar to statutes, had force of law and could not be repealed by executive order alone. The Supreme Court had ruled that if such decrees were not inconsistent with the Constitution and subsequent laws, they remained in force even after the lifting of martial law. The decree did not appear in the Revised Penal Code because it took some time to compile criminal statutes, but would eventually be included.

3. As to the possible discrimination of the labour laws against indigenous cultural minorities, Philippine laws applied to all citizens even where there was no specific legislation to protect them, because of the principle of equality of all before the law. The absence of specific legislation did not mean the labour laws did not apply to those minorities. Existing disparities within the ICCs did not per se constitute discrimination; if such disparities existed, they did so in other communities as well.

4. Bills were not laws, but some had been mentioned because the Executive intended to push them through Congress; the President had urged their passage by November 1997. Some of the bills referred to in the report would be consolidated into a more extensive bill on indigenous peoples. As to delays in Congress in acting on pending bills, Congress represented and was elected by the people, and had its own procedures for enactment and concerns; the Executive could only do so much. If the fact that legislation was not passed meant that the country was in violation of its treaty obligations, it was then for the Government either to withdraw from the treaty or to inform Congress of the violation, but it was for Congress to take the decision.

5. Regarding the distinction between the Ombudsman and the Philippine Commission on Human Rights, the latter had investigative powers but was not a judicial entity and therefore could not pass judgement nor issue penal sanctions. That did not, however, weaken its role as a promoter and protector of human rights; the results of its investigations became the basis for filing

court action, and some of its findings had been affirmed in the courts, thereby becoming implementable. It also had regional offices and a branch for looking into human rights violations.

6. The Country Rapporteur had remarked on the lack of confidence in the judicial system referred to in certain reports. The question was being debated in the Philippines as well. Criticism of the system did exist, and there were some lapses and delays on the part of the judiciary, but by and large the system defended people's rights, and the very fact that numerous cases were being filed suggested confidence in the courts, so perhaps the allegations were unwarranted. That did not mean, however, that there was no room for improvement; the Chief Justice was looking into the allegations and an attempt was being made to streamline the system.

7. Regarding the need for enabling laws to implement the Constitution, the 1987 Constitution reiterated the provisions of earlier Constitutions, specifically on laws enacted prior to 1987, such as Presidential Decree No. 1350-A. The mention of indigenous people in the 1987 text was new but would not require new implementing legislation, as such legislation pre-dated the new Constitution. While enabling laws were generally needed to implement the Constitution, if the provision itself was clear there was no need for implementing legislation, in accordance with the most recent decision of the Supreme Court.

8. The five-member Commission on Human Rights comprised two former judges, a member from the Muslim region, the former head of an NGO and a jurist. The Philippines had ambassadors of Muslim origin in Baghdad, Cairo, Lagos, Bahrain, Oman, Riyadh, Tehran and Tripoli. The core of career officers in the Philippine Foreign Service were representative of the various cultural communities, from dominant Tagalogs to Muslims and indigenous peoples. Whereas anyone could be appointed ambassador, career officers had to pass the most rigorous series of exams in the country.

9. Most cases of forced or involuntary disappearances had occurred under the Marcos regime, and although it was difficult to locate the individuals, the Government continued to try; 122 cases had been cleared, and the number of disappearances had declined drastically, from 145 in 1984 to 5 in 1994, 2 in 1995 and only 1 in 1996. Current cases of disappearance were not due to racial discrimination.

10. In reply to a suggestion that no violations of the Convention had been reported because of a lack of publicity, she said the Philippines Commission on Human Rights was the recipient of an award from the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the field of human rights education; the country had various programmes under way with United Nations agencies on the promotion and protection of human rights. There were some 36,000 NGOs in the Philippines, which drew the Government's attention to its lapses and which the Government viewed as its partners in examining cases of human rights violations. The Philippines was very open and transparent on such matters, as evidenced in the national press. It was ironic that the most open countries were the ones against which cases were brought before the Committee. One such case, to which Mr. Wolfrum had referred, had been submitted to Manila for a reply.

11. On the ancestral lands issue, the Government had issued several certificates of claims while awaiting enactment of the relevant statute, after which the certificates would become certificates of ownership and it would generally be easier for the ICCs to hold title to the lands they claimed. As at July 1997, 1.2 million hectares of land had been issued to them, and the Department of Environment and Natural Resources (DENR) intended to issue 3 million hectares by the end of 1998. The total land area of ancestral domains would approximate 3 to 5 million hectares, of the 30 million total hectares in the Philippine archipelago.

12. The Government was cognizant of the fact that central to the development and promotion of the ICCs was the recognition and protection of their rights to their ancestral domains. The Social Reform Agenda flagship master plan operation sought to put an end to their age-old economic marginalization socio-cultural displacement and political disenfranchisement through the pursuit of well-defined objectives, including the passage of the Ancestral Domain Law. Those ICCs to which certificates had been issued qualified for DENR support in the preparation of the ancestral domain management plan, which was their own unique blueprint for developing those domains. A working group composed of community leaders formulated each community's master plan and presented its results to the community for approval, together with an appraisal of existing resources including community mapping and an assessment of requisite community land uses. The approved plan was then submitted to interested funding agencies. Once funding was secured, the plan was considered ready for implementation; there were now 12 such plans.

13. Under the plans, traditional resource rights were recognized. No DENR permit was required. If livelihood activity involved beeswax, vines, rattan-gathering or hunting, there was no need for a transportation permit. The plan could be used by the community as an investment package for participation by foreign and local funding agencies. It recognized the confidentiality of information on resources. Pending passage of the Ancestral Domain Law, the DENR had also spearheaded the formulation of the draft national plan for indigenous people, in collaboration with the Offices for Northern and Southern Cultural Communities, the ICCs and people's organizations. Project documents were expected to be completed by October 1997, and the project would be funded by international agencies and multilateral and bilateral funding sources. Target implementation date for the plan was January 1998.

14. The Government's policy concerning the major development projects was to engage in dialogue with the tribal groups that might be affected and to try to compensate them for any displacement required.

15. With reference to the apparent sharp rise in the Muslim population from 2.7 million in 1990 to 6.6 million in 1992, the latter figure came from the Office of Muslim Affairs, which believed some tribes might have been overlooked in the National Census Office's 1990 census. According to estimates from both sources, there were some 4 million members of minority communities in the northern part of the islands and some 8 million in the southern part, including Muslims, bringing the official estimate to 12 million, or 18 per cent of the Philippine population.

16. The Government endeavoured to promote equality at different levels of development, by paying special attention to particular groups. Inequality did exist, which was why there was a policy to improve the situation of all people in the Philippines - not just the cultural minorities, but also other groups, such as the poor and women. The poverty alleviation project included everyone, but paid special attention to the ICCs. Special attention did not result in separate treatment for the ICCs, except when exceptions could validly be made under the law; nor did the idea of separate treatment constitute reverse discrimination.

17. As to the statutory nature of the Tripoli Agreement, the Agreement itself made provision for the coverage of the Muslim provinces, but a subsequent law had allowed for a plebiscite in the region, and some people had not opted to be part of the Autonomous Region. The Government did honour the Agreement, in substance, but also had the obligation to give people choices. Another plebiscite would therefore be held to allow those wishing to join the Muslim Autonomous Region in Mindanao to indicate their choice.

18. There was no contradiction between the statement that there was no discrimination in the Philippines based on race, colour or ethnic origin and the definition of the ICCs as comprising people who had descended from populations which had inhabited the country at the time of the conquest. The former statement had first been used in the tenth periodic report, in relation to the type of discrimination formerly existing in South Africa. All Filipinos came from the same racial stock or had been assimilated into the Filipino nation. The fact that there was no discrimination based on race or origin did not, however, mean that there were no disadvantaged or marginalized groups in the country. There were, but it was not because of their ethnicity. In a spirit of transparency, the Government had admitted to past neglect, accepted that insufficient attention had been paid to those groups and was doing everything possible, not to force their assimilation, but to help them in their development and in maintaining their cultural integrity.

19. The Convention referred to conscious acts of discrimination, but the Government had not consciously committed any such acts. No complaints had been filed of violations of the Convention or of discrimination based on origins or membership in a particular group, but there were complaints of human rights violations resulting from such actions as squatting.

20. If the Committee interpreted the Convention as a part of the monitoring process, it must do so within certain limits, but the States parties must be informed of what they were agreeing to. They also had the right to agree or not with the Committee's interpretation. More personal contact and dialogue between the States parties and the Committee would be helpful.

21. Mr. ADAMAT said that the fact that the movement for self-governance was gaining ground and spearheaded by educated indigenous people and Muslims indicated that the indigenous cultural communities (ICCs) were willing and able to govern themselves.

22. He confirmed that the Philippine Government had implemented the Tripoli Agreement. Under the Aquino Government the Autonomous Region in Muslim Mindanao (ARMM) had been created through Republic Act 6734, and put to

a first plebiscite. He lamented the fact that only four provinces had opted to join the ARMM and said many Muslims were dissatisfied at the Government's attempt to implement the Tripoli Agreement because of the largely negative response of the people. There had been a breakthrough under the Ramos administration, with the signing of a final Peace Agreement between the Moro National Liberation Front (MNLF) and the Government in September 1996 and subsequent creation of the Southern Philippines Council for Peace and Development (SPCPD) and the Special Zone of Peace and Development (SZOPAD), which embraced all the provinces targeted in the Tripoli Agreement. Since then, an Executive Council and a Consultative Assembly chaired by the Governor of the ARMM had been instituted. Of the 81 members of the Consultative Assembly, who had been appointed by the President, eight were members of indigenous communities. The government central planning agency and the other government agencies concerned, along with the SPCPD and ICC officials, had been finalizing a comprehensive package of development programmes for the SPCPD ahead of a plebiscite in 1998 through which the people could opt to join the Autonomous Region covering the 14 provinces.

23. The Office of Muslim Affairs, in coordination with other agencies, was engaged in peace and conciliation dialogue with secessionist groups and taking steps to ensure rebel returnees would be constructively involved in their communities. Negotiations between the Government and the MNLF were expected to prosper and usher in peace in the Muslim communities in Mindanao.

24. Ms. BAUTISTA said that she had referred queries on her Government's position on article 14 to her capital. It was her view that her Government's study of the question would have to include reflection on the Committee's interpretation of its monitoring role. The Philippines wanted to avoid failing to fulfil obligations it was unaware existed under the Convention. Unfortunately, the rulings of the Committee had not always been well publicized but the Committee could rest assured that the Philippines would continue to rely on the experienced guidance of the Committee and remain open to its suggestions.

25. The CHAIRMAN assured Ms. Bautista of the Committee's attentiveness to the question of interpretation and its appreciation of her remarks as cause for further reflection and not dispute with the Committee. The Convention was first and foremost between States parties and article 22 provided for settlement by the International Court of Justice of disputes regarding interpretation or application involving two or more States parties. The Committee was acutely aware of its role vis-à-vis States parties on all matters of interpretation. It had been recognized in legal opinion that the Committee should apply only limited interpretation when considering States' parties reports in order to make allowance for application to the particular set of circumstances in a given State. Thus far, the Committee's interpretation had been summarized in its general recommendations.

26. In response to Ms. Bautista's reference to conscious acts of discrimination, he recalled that the Convention also referred to laws or practices which had the effect of creating or perpetuating discrimination - a principle to which the Committee drew attention in General Recommendation XIV and which also guided its consideration of situations in States parties.

27. Mr. SHERIFIS requested clarification of the implications of Ms. Bautista's statement that Filipinos were guaranteed the right to choose whether they wished to remain in autonomous regions. Did it mean that all Filipinos enjoyed the right to settle anywhere they wished, to own property and to freedom of movement?

28. He noted that the Philippine Government was considering its position on the question on individual petitions under article 14 of the Convention but the Committee would be grateful if it would convey its acceptance of the amendments to article 8, paragraph 6, soon, since only 34 States had done so thus far.

29. Mr. ABOUL-NASR agreed wholly with the Chairman's statement on interpretation and Ms. Bautista's comments prompting the statement. Touching on the reference to Muslims in the report, he recalled that the Convention did not deal with religion - it dealt with racial discrimination. While he did not object on practical grounds to Muslims being subsumed under an ethnic group in the report, it was incorrect and confusing to refer to religious groups. A similar practice in eastern Europe had led to a blurring of the lines between religion, ethnicity and race. The religion of the ethnic group discussed in the report was mere coincidence.

30. Mr. van BOVEN said that the issue of Filipino women working as au pairs, domestic workers and entertainers in Asia, Europe and the Gulf States, had been raised. Although they were no longer under the jurisdiction of the Philippine State, they should still be a matter of concern to the Philippine Government because they were sometimes victims of abuse and not afforded protection under labour laws because of the private arrangements they had entered into. Although they were often victims of multiple forms of discrimination, the Philippine State had a responsibility under the Convention towards such women as their nationals and he asked what was being done to protect them. Although articles 11 to 13 provided for a very complicated bilateral procedure, it should be seen as not only a political but also a humanitarian issue. The Philippines might consider using the mechanisms afforded by the Convention to express their concern on humanitarian grounds and avoid dealing with such matters politically. A preliminary response from the Philippine Government would be appreciated.

31. Mr. de GOUTTES endorsed the Chairman's statement on interpretation. He drew attention to the significant role played by the Philippines Commission on Human Rights in an international meeting of national human rights commissions held two years previously in Manila and asked whether it had been involved in the preparation of periodic reports to the Committee and other treaty bodies.

32. Mr. WOLFRUM expressed satisfaction with the responses given to the two issues he had raised and hoped they would be resolved by the time the next report was submitted. He endorsed the Chairman's remarks on interpretation but begged to differ with Mr. Aboul-Nasr's opinion on religion. Religion was intentionally not covered in the Convention but it could sometimes play a part in establishing the identity of a community.

33. On the proposal to hold regional meetings during which reports from States in the region would be considered, he thought perhaps it would not be

possible without the States parties' consent. He asked Ms. Bautista whether she thought it would be worthwhile to discuss the proposal at the next meeting of States parties.

34. Mr. ABOUL-NASR recalled that the decision to exclude religion from the Convention had been prompted by the intention to deal with religion in a separate convention.

35. Article 14 was an optional clause and States should feel free to make the declaration or decline to do so and not feel that their regard for the Convention would be evaluated on the basis of their decision.

36. Mr. DIACONU agreed with Ms. Bautista that States parties were the first called upon to interpret the Convention and they, like the Committee, were entitled to express their opinion, which often differed from that of the Committee. Nonetheless, although the Philippine Government was satisfied that it practised no deliberate policy of discrimination, it should still bear in mind that the Convention also proscribed any distinction that was discriminatory in effect, be it the result of deliberate policies or not and should review its implementation of the Convention in that light.

37. A copy of Presidential Decree No. 1350-A of 1978, referred to by the head of delegation, would be of interest to the Committee so that it could determine whether it complied with the terms of article 4.

38. He pointed out that the reference to Muslims by the Committee was unavoidable and commended the State party's efforts to implement the Convention and build a democratic society.

39. Mr. YUTZIS said that Mr. Diaconu had highlighted the historical wisdom of the Convention and the way in which it reflected the relationship between the objective and subjective elements of an act of discrimination, and he fully endorsed his views.

40. Religion, as the etymology of the word showed, was a link between a group of people based on symbols and rites that identified them as a group, and it brought together people of different backgrounds, ethnic groups and races. The relationship between the ethnic group and its symbols came within the purview of the Convention, as indicated by Mr. Wolfrum and Mr. van Boven. Frequently, however, as in the case of the former Yugoslavia, ethnic and religious elements were juxtaposed and the demarcations were unclear.

41. Ms. BAUTISTA (Philippines) replying to the additional questions, said that there were no restrictions on the free movement of the indigenous communities. They were provided with settlements where they had nowhere to stay but the nomadic communities in particular did not always wish to be confined. As far as the Tripoli Agreement was concerned, their views were respected and there were no restrictions within the areas themselves.

42. The Committee's views on article 8 would be conveyed to the respective authorities.

43. As there were clearly different views within the Committee on the manner and extent to which religion should be covered, the confusion of the State party in preparing the report was understandable. States parties needed guidance by the Committee on the type of information it required and on its interpretation of the Convention. Nevertheless, while members of the Committee, particularly those who had been present when the Convention had been drafted, had a right to make their own interpretations and to give advice within the limits of their authority, the State party also had a right to say whether or not it agreed with them. On the present occasion, the delegation did not disagree with the Committee's interpretation.

44. It had also been difficult for the State party to comprehend what act, whether conscious or not, might have the effect of discrimination in terms of distinction, exclusion, restriction or preference, hence the need for such acts to be clearly defined. Although the Committee made recommendations to the Commission on Human Rights in its reports, the latter merely noted those recommendations. Some way should be found of ensuring that any recommendations adopted by the Committee were adopted in the wider sense for the guidance of States parties. As one of the officers of the Commission, she was involved in continuous discussions as to how the system could be reformed to make it more effective, and that aspect might usefully be discussed, together with the suggestion that the Committee might meet outside Geneva.

45. With regard to the representation of the Philippine Commission on Human Rights in the preparation of reports, although that Commission was an independent body, it was consulted on certain matters and attended meetings, providing much help and guidance, its members being more familiar with the Conventions than Government officials.

46. On the gender issue, far from having a policy of sending its women abroad to work, the Philippine Government would prefer them to remain in the country, and tried to encourage those abroad to return. The women accepted work abroad purely for economic reasons. There were bilateral agreements with some countries with regard to their employment, and the Department of Labour and Employment continually sought to establish others. Belgium in particular had done its best to protect the welfare of Filipino women workers, by penalizing sex tours, for example. There was no way of enforcing recognition of an individual's rights under the Convention in other countries but serious violations which came to light were followed up, and there had recently been court cases where the maltreatment of women had been proved and those responsible had been fined and imprisoned.

47. The CHAIRMAN, clarifying a comment made by the head of the Philippine delegation, said that the Committee's general recommendations were addressed to the State party and not to the Commission on Human Rights. It was consequently for States parties to react to them if they so wished.

48. Mr. GARVALOV (Country Rapporteur) fully supported the Chairman's interpretation made on behalf of the Committee. His own comments did not represent the views of the Committee as a whole, although the Committee would have the task of drafting the concluding observations.

49. He thanked the delegation for its extensive replies, particularly those on the indigenous cultural communities (ICCs) and the autonomy of Mindanao and the Cordilleras.

50. The assurance by the head of delegation that it agreed with the Committee's interpretation of the Convention was reassuring. Committee members might be said to be in an inferior position to the State party in that they were restricted in their interpretation of the articles and provisions of the Convention whereas States parties considered they had the right to interpret the Convention to fit their own particular situation. There were several articles in the Convention, however, notably articles 2, 4 and 6, which used the word "shall" and the Committee had issued a number of general recommendations to the effect that those articles should be considered mandatory. In that connection, it had had disagreements with a number of States parties, particularly with regard to article 4.

51. The Committee preferred to receive as detailed and comprehensive a report as possible. The tenth periodic report had been more informative than the fourteenth.

52. In referring to a lack of confidence in the judiciary, he had been conscious of the situation in his own country where the same problems existed. The delegation could therefore rest assured that the Philippines was not being singled out but was one of many States parties where the judiciary did not always adequately protect and defend the human rights of the individual; the action taken by the Chief Justice of the Philippines was therefore welcome.

53. His reference to enabling legislation to implement the Constitution had been taken from the tenth periodic report. The comment was clearly still valid, judging by the number of bills held up in Congress.

54. A number of issues had remained unanswered, including the question of the discrepancy between the demographic composition of the Philippines in the tenth periodic report and in the 1990 population census, particularly in relation to the 110 tribes, the ICCs, the Filipino Muslims and their ethnic origins. The Committee had raised questions on the Filipino Muslims because they had been mentioned in the fourteenth report and their ethnic origins were not clear. In seeking to ascertain whether their ethnic origins were different from the majority of the population, the Committee was acting fully within the framework of the Convention.

55. Other issues which had not been answered were whether the system of issuing land certificates was successful, given that they were not title deeds, whether the Constitution specifically prohibited discrimination based on race, colour, descent or national or ethnic origin, whether the 1990 population census had collected ethno-linguistic data with respect to the tribes and indigenous communities, whether there was any significance in the different terms used with respect to the ICCs in the tenth and fourteenth reports, and whether a homogeneous society was really the same as people regarded as indigenous, as stated in paragraph 29 of the fourteenth report.

56. The Philippines had reported in 1989 on the issue of ancestral lands and had stated that a bill was pending in Congress; eight years later the issue

remained unresolved. The head of the Philippine delegation had stated that the Executive could not push Congress into passing legislation, yet Congress did not live in a vacuum and needed to concern itself with the rights of individuals and communities. It was encouraging that President Ramos was pressing Congress to produce legislation in the autumn.

57. He remained unconvinced that the ethnic diversity of the indigenous communities and the Muslim Filipinos did not fall within the competence of the Committee or the Convention and considered that more facts on those matters were still needed. A reply to his question about the requests by the Lumads for the revocation of permits secured by companies and individuals to operate logging and mining operations, inter alia, within the tribal territories, would also be useful.

58. The State party was urged to cover those outstanding issues in its next periodic report.

59. The CHAIRMAN said that the Committee saw the encounter with States parties not as an adversarial one but as part of an ongoing dialogue which it hoped would be useful to the State party in fulfilling its obligations under the Convention. The commitment of the Philippines to the objectives and purposes of the Convention was not in question. The Committee's comments represented the views of people across the international spectrum who had built up a body of expertise by examining reports from the many States parties and making comparisons between them.

60. He thanked the head of the delegation both for her leadership and for her expression of interest in the future of the Convention. The Committee currently needed more support and interest from States parties, especially as it was approaching a time of decision. Its members hoped that those decisions would be firmly grounded in an understanding of the problems which the Committee had to address. All too often States parties saw their relations with the Committee in bilateral terms and failed to consider the multilateral dimension.

61. The Philippine delegation withdrew.

ORGANIZATIONAL AND OTHER MATTERS (continued)

Communication from the Permanent Representative of Israel in Geneva

62. Mr. BRUNI (Acting Secretary) said that the Permanent Representative of Israel had submitted a document to the Committee that morning, containing Israel's seventh, eighth and ninth periodic reports for the period 1992-1996. The Permanent Representative had requested that the Committee should postpone its discussion of the situation in Israel, which had been due to take place on Monday, 11 August under the overdue reports procedure, until its next session.

63. Mr. van BOVEN (Country Rapporteur) pointed out that the Committee had also been due to discuss the situation in Israel under its early warning and urgent procedures. It might still wish to do so, even if it deferred consideration of the periodic report. It would be valuable to have a representative of Israel present at the discussion, if possible.

64. After a discussion in which Mr. ABOUL-NASR and Mr. YUTZIS took part, the CHAIRMAN suggested that the Committee should contact the Permanent Representative of Israel to say: (a) that consideration of Israel's latest periodic report would be deferred until the next session; (b) that the Committee would still discuss the situation in Israel under its early warning and urgent procedures on Monday, 11 August as scheduled; and (c) that the Committee warmly invited a representative of Israel to be present at that discussion.

65. It was so decided.

Cambodia

66. The CHAIRMAN, recalling the discussion at an earlier meeting, suggested that the Committee should send a letter to the Cambodian Embassy in Paris, in which it (a) postponed consideration of the situation in Cambodia until its next session in view of the difficult political situation in the country; (b) expressed its concern about the lack of information from the Cambodian Government and invited it to submit further information; (c) emphasized the importance it attached to a regular dialogue with States parties.

67. It was so decided.

Communication from the Permanent Mission of Haiti

68. The CHAIRMAN said that the Committee had received a communication dated 1 August 1997 from the Permanent Mission of Haiti in Geneva, asking for its consideration of the situation in Haiti to be deferred until the next session.

69. Mr. VALENCIA RODRIGUEZ said that Haiti was undergoing a political and social crisis. In the circumstances, it was understandable that the Government had been unable to submit its periodic report. He suggested that consideration of the situation in Haiti should be postponed until the next session.

70. Mr. YUTZIS agreed that Haiti was virtually in a state of collapse and that the Committee should make allowances for its plight.

71. Mr. de GOUTTES (Country Rapporteur) said that, rather than do nothing at all, the Committee might discuss the situation in Haiti briefly and make some comments which might help the Government in its subsequent preparation of the periodic report.

72. Mr. GARVALOV pointed out that the Government of Haiti had not promised to submit a report before the next session. If the situation there was so serious, the Committee might need to consider including Haiti in its urgent and early warning procedures.

73. Mr. YUTZIS suggested that Mr. de Gouttes should prepare a letter to the Government of Haiti, stating the Committee's concern about the situation in the country and its implications for the issues covered by the International Convention on the Elimination of All Forms of Racial Discrimination.

74. Mr. Garvalov took the Chair.

75. Mr. AHMADU agreed that consideration of the situation in Haiti should be postponed. The Committee should reply to the letter sent by the Permanent Mission of Haiti, saying that it hoped to receive the overdue periodic reports soon. He felt that there was a need for an established procedure to deal with States parties which wrote to the Committee requesting a postponement.

76. Mr. de GOUTTES (Country Rapporteur) suggested that he should briefly tell the Committee of the conclusions he had reached from his study of the situation in Haiti, so that members' comments could be incorporated in the letter to the Government of Haiti.

77. Mr. SHERIFIS and Mr. van BOVEN agreed with Mr. de Gouttes' proposal.

78. The CHAIRMAN suggested that Mr. de Gouttes should share his conclusions about the situation in Haiti with the Committee and should then prepare a letter to the Government of Haiti along the lines suggested.

79. It was so decided.

The meeting rose at 1 p.m.